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ABSTRACT

This module, which may be used as the basis for a workshop or as a special topic unit in adult basic education or English-as-a-Second-Language (ESL) courses, focuses on issues related to women's immigration status. The following items are included: module overview; list of basic, thinking, interpersonal, information utilization, and other skills addressed in the module; teaching points (points regarding immigration law and married women, immigration law and battered women, and immigration status and access to education and health care); sample learning activities; list of World Wide Web and organizational resources; sample lesson plan; transparency masters; student activities; excerpts from U.S. immigration law; pre- and postmodule student surveys; and scoring directions. The following objectives are addressed in the module lesson: research immigration law language; discuss family unity provision, analyze women's immigration issues; verify information on immigration issues; review potential effects of immigration status; and find solutions to a problem. Included in the sample lesson are the following: objectives, description of the module's target audience and context, room setup guidelines, list of items needed and media used, and detailed instructions for completing the steps involved in conducting the lesson. (MN)

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ED 416 345

LAES
Latino Adult Education Services

Tierra de Oportunidad

MODULE 8

Issues Relating to Women's Immigration Status

Ed Kissam and Holda Dorsey

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INSTRUCTIONAL AREA
Promoting Community Participation

MODULE 8
Issues Relating To Women's Immigration Status

Overview

Latino men are often the "pioneering migrants" who come first to work in the United States and later send for their wives and children to join them. This means that in many families--particularly farmworker families--the male head of household has legal status, but his wife or children may not.

Several strategies make it possible for women to achieve legal status based on their husbands' permanent residency. One strategy that takes time and perseverance but which is straightforward is for a man who is a permanent resident to apply for citizenship and then petition for his wife and children to be legally admitted to the country.

However, women who have been living in the United States with their husbands without being legally admitted to the country face special problems as a result of new immigration legislation passed recently -- The Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Basically, this law prohibits a person who stayed illegally in the United States from being admitted legally -- for 3 years if she remained illegally for 6 months to 1 year, for 10 years if she remained more than one year, or for 20 years if she has been deported more than once. The prohibitions are still more stringent if the person

Women and their husbands facing this sort of situation should seek advice from an established immigrant advocacy group or lawyer before deciding what to do -- and be particularly careful about promises made by *notarios* or other fly-by-night immigration consultants. There are provisions to cancel (stop) the "removal" (deportation) of a person who has continuously lived in the U.S. for many years and who is "of good moral character" if her (or his) deportation would result in extreme hardship to her or his family. However, the standards for this legal action are stringent and, as with all immigration law issues, it is wise to seek good legal advice.

Immigration law is now responsive to several factors that made women particularly vulnerable when their immigration status derived from being married to a man who is a citizen of the United States. The so-called **"battered spouse waiver"** makes provisions for women who are being abused by their citizen husbands to divorce those husbands without fearing loss of immigration status. The so-called **"good faith"** waiver allows a woman to

continue to seek legal immigration status even if her husband does not cooperate (e.g., by refusing to file a joint petition).

Some women who are not legally authorized to live and work in the United States have been afraid even to go to a hospital or to their children's school out of fear that their unauthorized legal status might be found out and they would be deported. While some human service providers are obliged to deny services to undocumented persons, they do not report people who seek service to the Immigration and Naturalization Service (INS). Even though the public has become more concerned about undocumented immigrants, applicants without documents who seek service, can expect respectful treatment from service providers.

Basic Skills Development

Basic Skills	relatively advanced literacy skills, distinguishing legal terms from ordinary language;
Thinking Skills	analyzing one's legal situation, acquiring relevant and accurate information, and seeking expert advice before acting;
Personal Qualities	self-esteem discussions of the tensions between ethical and legal considerations (family responsibilities vs. immigration law), self-management, assessing the personal and family consequences of different courses of action;
Uses Resources Effectively	using available print, and Internet resources to secure information on immigration law and sources of help
Uses Information	a strong emphasis here is on assuring that the information one gets is accurate and up-to-date
Works with Systems	this module provides a basis for understanding several key aspects of immigration law
Uses Technology	using the WWW to secure crucial legal information, forms, analyses, updated information and either simplified summaries, or in-depth detailed analyses

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Teaching Points

1. **A woman who did not joined her husband in the U.S. early enough to be legalized under IRCA can still be legally admitted to the U.S. if her husband secures U.S. citizenship**. The process is a long one. The wait to secure citizenship is about one and a half years. Subsequently, the wait is also very long, after petitioning for a wife and minor children to be admitted as legal permanent residents (even outside the visa preference system). The family should consult with an immigrant advocacy organization to understand how the entire process works.

2. **A woman who has been living in the United States with her husband without being legally admitted to the country will face difficulties in seeking legal admission, even if her husband has become a citizen, if the government knows she was here**. Basically, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 penalizes a person who stayed illegally in the United States prior to seeking admission. The penalties are harsher if a person has stayed longer and still harsher if the person has been deported from the country and returned again illegally. A woman (or man) is prohibited from being admitted legally -- for 3 years if she remained illegally for 6 months to 1 year, for 10 years if she remained more than one year, or for 20 years if she has been deported more than once.

3. **A woman whose legal immigration status stemmed from being married to a U.S. citizen may file a "good faith" petition to transform her "conditional legal residency" (based on her husband's citizenship) to legal permanent status if their marriage has broken up.** A woman has a right to legal residence based on her marriage to a legal U.S. citizen as long as the marriage was "in good faith". Technically, a woman's divorce from her husband must be final in order to file a "good faith" petition for her own independent legal residency but, in some cases, the waiver is continued without being denied when a divorce petition has been filed but a final divorce hasn't been granted -- recognizing that the marriage is in the process of being dissolved.

4. **A woman who has been abused by her husband, or whose children have been abused by her husband, can seek a "battered spouse waiver" of the requirement that she and her husband jointly petition to secure her (and her children's) legal residence**. Women need not remain in abusive marriages so as to continue residing in the U.S. Women's shelters, battered women's support groups, and immigrant advocacy organizations will provide a battered woman with support and assistance while she pursues her legal rights.

The legal definition of "cruelty" that is the basis for alleging that a woman is a battered spouse may be broader than many women believe and a woman should consider seeking expert legal advice if she feels she is being mistreated -- either mentally or physically. Threats of physical cruelty as well as documented cases of physical cruelty can provide a basis for a "battered spouse waiver" but the issue of mental cruelty is more complex legally and a woman should be sure to get legal advice.

5. **The information submitted in a woman's petition to INS for a "battered spouse waiver" is supposed to be confidential, but it would be wise for a woman who fears her husband will injure her to use only the address of her legal counsel.** There are currently no legal sanctions for such confidential information being released inadvertently so caution is the wisest course.

6. **Even those women who are not authorized to reside and work in the U.S. can go about their lives without fear of being reported to the INS by schools, hospitals, or other service agencies.** Seeking help is not likely to result in being reported to the INS and being deported but it may lead to hostile and unpleasant treatment by the staff of some programs. Also women should be aware that false statements made in order to secure benefits from a public program may jeopardize their ability to secure legal status in the future. Even unauthorized women may be entitled to receive free emergency medical care and WIC (Women, Infants, and Children) vouchers for food if they are pregnant or nursing mothers.

Sample Classroom Activities

Note: *In discussing these issues an other immigration issues which may deal with a person's possible violation of legal provisions: a) urge the class to agree to keep all information from these discussions confidential, b) urge persons in class <u>not</u> to talk about their personal situation but to talk freely and research carefully the situation of hypothetical persons facing different sorts of immigration problems.*

1. Ask the students to locate immigrant advocacy organizations in the area, in the phone book or in the newspaper ads. Students may contact the organization to find out what services they offer. Students prepare a mini phone book of organizations to share with students in other classes. Students may wish to rate each organization on how helpful it is, what languages its staff speak, and what it charges for providing assistance. (Even non-profit service providers now charge for some of their services.) Students can prepare a mini phone book of organizations to share with students in other classes.

2. Invite a representative from INS or from an advocacy organization to visit the class and respond to students questions.

3. Discuss with the class whether the provisions in the 1996 immigration law which prohibit persons who have lived illegally in the United States from being legally admitted for a number of years are fair or not. (Many believe these provisions violate international standards of human rights. Others argue that these provisions are necessary to avoid rewarding people for illegal behavior).

4. Discuss with the class whether any have heard of offers from immigration assistance providers which seem "too good to believe". (Most of such offers usually are). Discuss the consequences of seeking assistance of this sort.

5. Discuss with the class whether the provisions in the 1996 immigration law which prohibit persons who have lived illegally in the United States from being legally admitted are discriminatory to women or not. (Many believe these provisions are particularly unfair to women. Others argue that the law does not specifically refer to gender).

6. Role play effective ways to deal with service providers who are hostile to immigrants.

7. Research on Internet, the provisions of immigration laws, including the conditions on admittance as a result of the 1996 immigration law, various kinds of U.S. immigrant visas, the process for applying or petitions for waivers. Include a discussion of terms such as ("entered without inspection", i.e. by illegally crossing the border).

8. Students in teams can look up and discuss the terms they did not understand.

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RESOURCES

Primary Sources of Information--World Wide Web

1. American Immigration Lawyers Association

http://aila.org/home.htm

This is one of the major resources for accurate information on immigration law. Their home page includes links to two excellent summaries of the 1996 law -- "What the New Immigration Law Means for You" (a version for community presentations and a version to answer individual questions. It also includes links to an extremely wide range of other immigration-related information resources.

2. The National Immigration Forum
320 I St., NE, #220, Washington, DC 20002-4362
(202) 554-0004
http://www.immigrationforum.org/index.htm

This is a national organization with a wide range of involvement in immigration law and policy. Their home page is searchable and include information on immigration law, discussions on issues, and regular updates.

Other Web Addresses:

http://www.autonomy.com/immig.html
An information forum.

http://www.fourmilab.ch/uscode/8usc/www/contents.html
An index and access to the "real" U.S. Immigration Laws.

http://www.ilw.com/micasa/bb.htm
An information page with an excellent overview of the 1996 law

INS Toll-Free Phone Numbers
INS Immigration Forms Request Line : 1-800-870-3676
INS Immigration Information Service: 1-800-755-0777

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California Immigrant and Immigration-related Organizations

- Mujeres Unidas y Activas
  San Francisco Women's Building
  3543 18th St.
  San Francisco, CA 94110
  (415) 621-8140
  (An immigrant women's support and advocacy group)

- Coalition for Immigrant and Refugee Rights and Services
  995 Market St., Suite 1108, San Francisco, CA 94103
  (Multi-lingual immigration assistance hotline)

- National Immigration Law Center
  1636 West 8th St., Suite 215, Los Angeles, CA 90017
  (213) 487-3531.
  (A leading public interest law firm dealing with immigration issues)

- Family Violence Prevention Fund
  (415) 821-4553
  (Excellent handout pamphlets)

- International Institute of Los Angeles
  435 South Boyle Avenue, Los Angeles, CA 90033
  (213) 264-6217
  (A leading Southern California non-profit organization dealing with immigrant and refugee issues and providing support services)

08. ISSUES RELATED TO WOMEN'S IMMIGRANT STATUS

OBJECTIVES

- research immigration law language;
- discuss Family Unity provision;
- analyze Women's immigration issues
- verify information on immigration issues;
- review potential effects;
- find solutions to a problem.

LEARNERS & CONTEXT

Adult students. Average ability of the group is medium. The range of ability is wide. Motivation is high. Group size is between 11 and 30. There are many learners whose English is limited.

ROOM SETUP

Chairs and small tables to facilitate small group activities

TO BRING

Transparencies and handouts.
flip chart, 3 x 5 cards

TO DO AHEAD

Check with community organizations that assist immigrant women.
Get information about battered women shelters.

MEDIA USED

Overhead, flip chart.

STEPS

Warm Up
Objectives
Research
Comprehension
Discussion
Problems
Solutions
Break
Alternatives
Role Play
Presentation
Reflection
Closure

Lesson Plan: 08. Women's Immigration Issues

	Warm Up	Teacher inquires from students what they know of immigration laws as they pertain to spouses.
(10 min)	*Motivation* *• Establish Tie to Interests*	Teacher asks at random: What Immigration terms do you know? Who can explain "B-2"? Who can tell me what an "F" visa means? How about an "H" visa? Have you heard of "Family Unity" provision of immigration?
	Objectives	Teacher states the lesson's objectives:
(10 min)	*Information Preview* *• State Objectives Formally*	Students will be able to: research immigration law language; discuss Family Unity provision;
	overhead	analyze Women's immigration issues. and to practice: verifing information on immigration issues; reviewing potential effects; finding solutions to a problem.
	Research	Students, working in groups of four, research immigration classifications to check and verify their own prior information.
(20 min)	*Information Acquisition* *• Definitions & Examples*	
	Comprehension	Each group creates, draws, charts a way to present information gathered about Immigration Classifications.
(15 min)	*Practice & Feedback* *• Creative Practice*	All work is pinned on the wall for students to review.
	flipchart	Teacher might call on students to explain segments of their design.

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Lesson Plan: 08. Women's Immigration Issues

	Discussion	Teacher selects three or four students to sit up front and be "the expert panel".
(15 min)	*Practice & Feedback* *• Q & A*	Students check their understanding of the subject by asking questions of the panel.
	Problems	Teacher hands students 3 x 5 cards and asks students to write about an immigration issue or problem that they have heard or known.
(10 min)	*Motivation* *• Evoke Mystery*	Teacher collects cards, shuffles them and asks students to sit with their group of four.
	3 x 5 cards	
	Solutions	Teacher lets each group select a "problem card".
(10 min)	*Practice & Feedback* *• Brainstorming*	Students as a group brainstorm solution ideas without judging their worth.
	Break	Teacher asks students to stretch, organize their materials while teacher takes care of attendance and other record keeping duties.
(10 min)	*Other* *• Break*	
	Alternatives	Students in their groups review the brainstorming ideas and weigh the consequences of alternative courses of action.
(20 min)	*Practice & Feedback* *• Group Practice - Indep.*	Students rank the solutions they think are best from a personal level.
	print	Then as a group they try to reach consensus as to first choice, etc.
		Teacher monitors student participation in group discussion.

Lesson Plan: 08. Women's Immigration Issues

	Role Play	Students select a situation and prepare to role play it for the class.
(15 min)	*Practice & Feedback* *• Role Play*	Each role play might have two, three or four characters. For example: Father US Citizen, Mother Immigrant, Child US born, Lawyer.
	Presentation	Students perform the prepared skits for the class.
(25 min)	*Practice & Feedback* *• Creative Practice*	Audience may suggest other ideas.
	Reflection	Teacher asks students to reflect on what they experienced today, if the information is valuable to some one they know and if they would like to share the information with that person.
(10 min)	*Closure* *• Reflection*	Teacher asks volunteers to express their thoughts to the class.
	Closure	Teacher reviews the objectives.
(10 min)	*Closure* *• Instructor Summary* *overhead*	Today you: researched immigration law language; discussed Family Unity provision; analyzed Women's immigration issues. and you practiced: verifying information on immigration issues; reviewing potential effects; findingsolutions to a problem.

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Lesson Plan: 08. Women's Immigration Issues

9:00 PM	**Role Play**	Students select a situation and prepare to role play it for the class.
(15 min)	*Practice & Feedback* *• Role Play*	Each role play might have two, three or four characters. For example: Father US Citizen, Mother Immigrant, Child US born, Lawyer.
9:15 PM	**Presentation**	Students perform the prepared skits for the class.
(25 min)	*Practice & Feedback* *• Creative Practice*	Audience may suggest other ideas.
9:40 PM	**Reflection**	Teacher asks students to reflect on what they experienced today, if the information is valuable to some one they know and if they would like to share the information with that person.
(10 min)	*Closure* *• Reflection*	Teacher asks volunteers to express their thoughts to the class.
9:50 PM	**Closure**	Teacher reviews the objectives.
(10 min)	*Closure* *• Instructor Summary* *overhead*	Today you: researched immigration law language; discussed Family Unity provision; analyzed Women's immigration issues. and you practiced: verifying information on immigration issues; reviewing potential effects; finding solutions to a problem.

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OBJECTIVES

You will be able to:

- **research immigration law language;**
- **discuss Family Unity provision;**
- **analyze women's immigration issues.**

You will also practice:

* **verifying information;**
* **reviewing potential effects;**
* **finding solutions to problems;**

IMMIGRATION CLASSIFICATIONS

Type of Visa	Who?	Permanency?
A		
B		
C		
E		
F		
G		
H		
I		
J		
K		
L		
M		
N		
O		
P		
Q		
R		

IMMIGRATIONESE

Student please clarify these terms:

- "ineligible to citizenship"
- "lawfully admitted for permanent residence"
- "naturalization"
- "nonimmigrant visa"
- "passport"
- "unmarried"
- "refugee"
- "extraordinary ability"
- "child"
- "parent"
- "good moral character"
- "family unity"
- "battered spouse waiver"
- "good faith waiver"

Select the solution you think is best and list it as your personal first choice. Continue ranking your choices.

Choice	Personal	Group Record
First		
Second		
Third		
Fourth		
Fifth		

Definitions

(15) The term "**immigrant**" means every alien except an alien who is within one of the following classes of non immigrant aliens-

(A)

(i) an ambassador, public minister, or career diplomatic or consular officer who has been accredited by a foreign government, and who is accepted by the President or by the Secretary of State, and the members of the alien's immediate family;

(ii) upon a basis of reciprocity other officials and employees who have been accredited by a foreign government recognized by the United States; and

(iii) upon basis of reciprocity, attendants, servants, personal employees, and members of their immediate families, of the officials and employees who have a non immigrant status under (i) and (ii) above;

(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure;

(C) an alien in immediate and continuous transit through the United States, or an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District and foreign countries;

(D)

(i) an alien crewman serving in good faith as such in a capacity required for normal operation and service on board a vessel, or aircraft, who intends to land temporarily and solely in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft;

(ii) an alien crewman serving in good faith as such in any capacity required for normal operations and service aboard a fishing vessel having its home port or an operating base in the United States;

(E) an alien entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national, and the spouse and children of any such alien if accompanying or following to join him;

(i) solely to carry on substantial trade, including trade in services or trade in technology, principally between the United States and the foreign state of which he is a national; or

(ii) solely to develop and direct the operations of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital;

(F)

(i) an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by him and approved by the Attorney General after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each non immigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and

(ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;

(G)

(i) a designated principal resident representative of a foreign government recognized by the United States, which foreign government is a member of an international organization, accredited resident members of the staff of such representatives, and members of his or their immediate family;

(ii) other accredited representatives of such a foreign government to such international organizations, and the members of their immediate families;

(iii) an alien able to qualify under (i) or (ii) above except for the fact that the government of which such alien is an accredited representative is not recognized the United States; and the members of his immediate family;

(iv) officers, or employees of such international organizations, and the members of their immediate families;

(v) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees;

H) an alien--

(i) (a) who is coming temporarily to the United States to perform services as a registered nurse,

(b) who is coming temporarily to the United States to perform services (other than services described in subclause (a) or, in the case of a fashion model, is of distinguished merit and ability), and with respect to whom the secretary of labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application; or

(ii) (a) having a residence in a foreign country that he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor of a temporary or seasonal nature, or

(b) having a residence in a foreign country that he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession; or

(iii) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States as a trainee, other than to receive graduate medical education or training, in a training program that is not designed primarily to provide productive employment; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him;

(I) upon a basis of reciprocity, an alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation, and the spouse and children of such a representative, if accompanying or following to join him;

(J) an alien having residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(K) an alien who is the fiancee or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry, and the minor children of such fiancee or fiancé accompanying him or following to join him;

(L) an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(M)

(i) an alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program) in the United States particularly designated by him and approved by the Attorney General, after consultation with the Secretary of Education, which institution shall have agreed to report to the Attorney General the termination of attendance of each non immigrant nonacademic student and if any such institution fails to make reports promptly the approval shall be withdrawn, and

(ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;

(N)

(i) the parent of an alien accorded the status of special immigrant, but only if and while the alien is a child, or

(ii) a child of such parent or of an alien accorded the status of a special immigrant.

(O)an alien who:

(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim or, with regard to motion picture and television productions a demonstrated record of extraordinary achievement, and whose achievements have been recognized in the field through extensive documentation, and seeks to enter the United States to continue work in the area of extraordinary ability; or

(ii)

(I) seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performance by an alien who is admitted under clause (i) for a specific events or events,

(II) is an integral part of such actual performance,

(III) (a) has critical skills and experience with such alien which are not of a general nature and which cannot be performed by other individuals, or (b) in the case of a motion picture or television production, has skills and experience with such alien which are not of a general nature and which are critical either based on a pre-existing long-standing working relationship or, with respect to the specific production, because significant production (including pre- and post -production work) will take place both inside and outside the United States and the continuing participation of the alien is essential to the successful completion of the production, and

(IV) has a foreign residence which the alien has no intention of abandoning; or (iii) is the alien spouse or child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;

(P) an alien having a foreign residence which the alien has no intention of abandoning who -

(i) (a) is described in section 1184(c) (4) (A) of this title (relating to athletes), or (b) is described in section 1184 (c) (4) (B) of this title (relating to entertainment groups);

(ii)

(I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program which is between an organization or organizations in the United States and an organization or organizations in one or more foreign states and which provides for the temporary exchange of artists and entertainers, or groups of artists and entertainers;

(iii)

(I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely to perform, teach, or coach as such an artist or entertainer or with such a group under a commercial or non commercial program that is culturally unique; or

(IV) is the spouse or child of an alien described in clause (i), (ii), or (iii) and is accompanying, or following to join, the alien;

(Q) an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Attorney General for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers; or

(R) an alien, and the spouse and children of the alien if accompanying or following to join the alien, who -

(i) for the 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States; and

(ii) seeks to enter the United Stated for a period not to exceed 5 years to perform the work described in subclause (I), (II), or (III) of paragraph (27) (C) (ii).

Terms used in these laws:

(16) The term "**immigrant visa**" means an immigrant visa required by this chapter and properly issued by a consular officer at his office outside of the United States to an eligible immigrant under the provisions of this chapter.

(17) The term "**immigration laws**" includes this chapter and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens.

(18) The term "**immigration officer**" means any employee or class of employees of the Service or of the United States designated by the Attorney General, individually or by regulation, to perform the functions of an immigration officer specified by this chapter or any section of this title.

(19) The term "**ineligible to citizenship,**" when used in reference to any individual, means, notwithstanding the provisions of any treaty relating to military service, an individual who is, or was at any time permanently debarred from becoming a citizen of the United States.

(20) The term "**lawfully admitted for permanent residence**" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

(21) The term "**national**" means a person owing permanent allegiance to a state.

(22) The term "**national of the United States**" means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(23) The term "**naturalization**" means the conferring of nationality of a state upon a person after birth, by any means whatsoever.

(25) The term "**in combatant service**" shall not include service in which the individual is not subject to military discipline, court martial, or does not wear the uniform of any branch of the armed forces.

(26) The term "**non immigrant visa**" means a visa properly issued to an alien as an eligible non immigrant by a competent officer as provided in this chapter.

(30) The term "**passport**" means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the entry of the bearer into a foreign country.

(31) The term "**permanent**" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.

(32) The term "**profession**" shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

(33) The term "**residence**" means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in act, without regard to intent.

(34) The term "**Service**" means the Immigration and Naturalization Service of the Department of Justice.

(35) The term "**spouse**", "**wife**", or "**husband**" do not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.

(38) The term "**United States**", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

(39) The term "**unmarried**", when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

(40) The term "**world communism**" means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist political movement.

(41) The term "**graduates of a medical school**" means aliens who have graduated from a medical school or who have qualified to practice medicine in a foreign state, other than such aliens who are of national or international renown in the field of medicine.

(42) The term "**refugee**" means

(A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group, or political opinion, or

(B) in such special circumstances as the President after appropriate consultation may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, nationality, membership in a particular social group, or political opinion.

(46)The term "**child**" means an unmarried person under twenty-one years of age who is --

(A) a legitimate child;

(B) a stepchild, or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred;

(C) a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimating takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimating;

(D) an illegitimate child, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother or to its natural father if the father has or had a bona fide parent-child relationship with the person;

(E) a child adopted while under the age of sixteen years if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years: Provided, That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

(F) a child, under the age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative, who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States citizen at least twenty-five of age, who has or has complied with the pre adoption requirements, if any, of the child's proposed residence; Provided, That the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States: Provided further, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter.

(2) The terms "**parent**", "**father**", or "**mother**" mean a parent, father, or mother only where the relationship exists by reason of any of the circumstances set forth in subdivision (1) of this subsection, except that, for purposes of paragraph (1) (F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1) (D) (and not described in paragraph (1) (C), the term "parent" does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.

(3) The term "**person**" means an individual or an organization.

(4) The term "**special inquiry officer**" means any immigration officer whom the Attorney General deems specially qualified to conduct specified classes of proceedings, in whole or in part, required by this chapter to be conducted by or before a special inquiry officer and who is designated and selected by the Attorney General, individually or by regulation, to conduct such proceedings. Such special inquiry officer shall be subject to such supervision and shall perform such duties, not inconsistent with this chapter, as the Attorney General shall prescribe.

(G) As used in Subchapter III of this chapter -

(1) The term "**child**" means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in the United States, or elsewhere, and, except as otherwise provided in sections 1431, 1432, and 1433 of this title, a child adopted in the United States, if such legitimating or adoption takes place before the child reaches the age of sixteen years, and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimating or adoption.

(2) The terms "**parent**", "**father**", and "**mother**" include in the case of a posthumous child a deceased parent, father, and mother.

(F) For the purpose of this chapter - No person shall be regarded as, or found to be, a person of good moral character who, during the period for which good moral character is required to be established is, or was:

(1) a habitual drunkard;
(2) one whose income is derived principally from illegal gambling activities;
(3) one who has been convicted of two or more gambling offenses committed during such period;
(4) one who has given false testimony for the purpose of obtaining any benefits under this chapter;
(5) one who during such period has been confined, as a result of conviction, to a penal institution for an aggregate period of one hundred and eighty days or more, regardless of whether the offense, or offenses, for which he has been confined were committed within or without such period;
(6) one who at any time has been convicted of an aggravated felony. The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such is or was not of good moral character.

(H) The term "**serious criminal offense**" means --

(1) any felony;
(2) any crime of violence, as defined in section 16 of title 18; or
(3) any crime of reckless driving or of driving while intoxicated or under the influence of alcohol or of prohibited substances if such crime involves personal injury to another.

(1) The term "**alien spouse**" means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) -

(A) as an immediate relative (described in section 1151(b) of this title) as the spouse of a citizen of the United States,

(B) under section 1184(d) of this title as the fiancee or fiancé of a citizen of the United States, or

(C) under section 1153(a)(2) of this title as the spouse of an alien lawfully admitted for permanent residence, by virtue of a marriage which was entered into less than 24 months before the date the alien obtains such status by virtue of such marriage, but does not include such an alien who only obtains such status as a result of section 1153(d) of this title.

(2) The term "**alien son or daughter**" means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the son or daughter of an individual through a qualifying marriage.

(3) The term "**qualifying marriage**" means the marriage described to in paragraph (1).

(4) The term "**petitioning spouse**" means the spouse of a qualifying marriage, other than the alien.

TITLE 8, CHAPTER 12, SUBCHAPTER II, Part II, Sec. 1186a.

Sec. 1186a. Conditional permanent resident status for certain alien spouses and sons and daughters

(1) In general

In the case of an alien with permanent resident status on a conditional basis under subsection (a) of this section, if the Attorney General determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that -

(A) the qualifying marriage -

(i) was entered into for the purpose of procuring an alien's entry as an immigrant, or

(ii) has been judicially annulled or terminated, other than through the death of a spouse; or

(B) a fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 1154(a) or 1184(d) of this title with respect to the alien; the Attorney General shall so notify the parties involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien (or aliens) involved as of the date of the determination.

(3) Determination after petition and interview

(A) In general

If -

(I) a petition is filed in accordance with the provisions, and

(ii) the alien spouse and petitioning spouse appear at the interview described in paragraph (1)(B), the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described and alleged in the petition are true with respect to the qualifying marriage.

(B) Removal of conditional basis if favorable determination

If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the parties involved and shall remove the conditional basis of the parties effective as of the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

(C) Termination if adverse determination
If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the parties involved and, subject to subparagraph (D), shall terminate the permanent resident status of an alien spouse or an alien son or daughter as of the date of the determination.

(4) Hardship waiver
The Attorney General, in the Attorney General's discretion, may remove the conditional basis of the permanent resident status for an alien who fails to meet the requirements of paragraph (1) if the alien demonstrates that -

(A) extreme hardship would result if such alien is deported,

(B) the qualifying marriage was entered into in **good faith** by the alien spouse, but the qualifying marriage has been terminated (other than through the death of the spouse) and the alien was not at fault in failing to meet the requirements of paragraph (1), or

(C) the qualifying marriage was entered into in good faith by the alien spouse and during the marriage the alien spouse or child was **battered** by or was the subject of extreme cruelty perpetrated by his or her spouse or citizen or permanent resident parent and the alien was not at fault in failing to meet the requirements of paragraph (1). In determining (battered wife waiver) extreme hardship, the Attorney General shall consider circumstances occurring only during the period that the alien was admitted for permanent residence on a conditional basis.

The Attorney General shall, by regulation, establish measures to protect the confidentiality of information concerning any abused alien spouse or child, including information regarding the whereabouts of such spouse or child.

LAES

Date: _____

Student Name _____

Teacher Name _____

Student Survey
"Issues Relating to Women's Immigration Status"

1. How confident are you that you know enough about immigrant women's rights related to:

	For each line, Please check the box that applies to you			
	Not Very Confident	**A Little Confident**	**Quite Confident**	**Know all I need to know**
a. How a woman whose husband was a US citizen can apply for legal status even if they have broken up				
b. How a woman whose husband has abused her or her children can seek to become legal				
c. Whether a woman living in the U.S. needs to be afraid of being turned into the INS by a school or a hospital.				

2. How confident are you that you have the necessary information about the immigration issues women face to allow you to help a woman:

	For each line, Please check the box that applies to you			
	Not Very Confident	**A Little Confident**	**Quite Confident**	**Know all I need to know**
a. Evaluate the references of a potential provider of immigration advice				
b. Understand how the immigration process works and how to weigh the consequences of different actions				
c. Research immigration information through the Internet and other sources				

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3. What would you recommend to Concha? Please read the background information and answer the questions below.

Background: She has been in the U.S. for 4 years. She had a tourist visa that expired two years ago. For the last two years she has been married to someone who is a U.S. citizen, who said he would work to regularize her status. He didn't do anything, however, and now she is about to be divorced. She doesn't know what to do: her husband is threatening to report he to the INS unless she agrees to give him custody of their children. He has told her that if she complains she will be deported because she is illegal. She doesn't know whom she can talk to and how to find out what to do.

a. Is Concha's husband correct? Will she be deported if she fights his custody request in court?

b. What would you recommend Concha do to find out what her rights are?

c. Write a short conversation between Concha and a counselor, showing her explaining her problem and asking for assistance.

Concha:

Counselor:

Concha:

Counselor:

Concha:

d. If Concha doesn't speak English very well, will this hurt her case? What can she do about this?

e. If a lawyer offers to help her, what questions should she ask that lawyer to make sure the help provided is worth the cost?

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4. **How important is for you to learn more about how to do the following?**

About:	For each line, Please check the box that applies to you Not Important	A little Important	Quite Important	Very Important
a. How to get reliable immigration advice for free				
b. The process through which abused women can seek legal status				
c. How to fill out immigration-related forms or get reliable help to assist in this				
d. How a woman can find out whether anything can be done to adjust her immigration status				
e. How to communicate with people who may be hostile to immigrants				
f. The kinds of information women should keep track of for dealing with immigration issues				

5. **What would you like to learn about immigration problems women face and what they can do about them?**

I want to learn:

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Date: _____

Student Name _____

Teacher Name _____

Module 8
Issues Relating to Women's Immigration Status

Instructions:
This activity has two parts. The first part asks you to read about a situation and provide advice about what to do. The second part asks you to reflect on your work with this module and tell us what You Learned.

Part I. Please read the situations below and suggest what Esperanza should do.

1. Situation:
Esperanza entered the United States illegally ten years ago. She began working as a housekeeper. Just four years ago, Esperanza met and married a U.S. born citizen. He said he would petition to regularize her status right away, but he has not followed through on his promise. Two years ago, her husband's two adult sons came to live with their father. Now they demand Esperanza cook and clean for them also. They threaten to call the INS if she refuses. Lately, one of her step-sons has been making sexual advances to her. Esperanza lives in fear.

a. If Esperanza asked you advice, what would you recommend she do?

b. What would you expect would happen (positive and negative) if she did this?

c. What organizations are there from whom she could get help, and about how much would she have to pay for it?

2. If Esperanza wants to consult a lawyer, how can she find out if the person she has selected is a good choice? What questions should she ask the lawyer? Please write them in the spaces below.

a.

_____

_____?

b.

_____

_____?

c.

_____

_____?

d.

_____

_____?

3. Situation:

Background: Concha is pregnant and wants to get a prenatal check up. Her visa on which she entered the country is expired, but she is married to someone with a permanent resident card.

a. Is she eligible for help with health care costs? If not, how can she get medical care?

b. What information does she need to find out to determine if she is eligible for these services?

c. If she went for medical care, and the provider said negative or bad things about immigrants, what should she do or say? Write a short dialog that show how to communicate with people who may be hostile to immigrants.

Health care provider. No, we cannot provide you with a check-up because you are not a legal citizen. If we did, you immigrants would use up all our money, and we wouldn't get paid.

Concha:

Health care provider:

Concha:

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Part II. Please tell us, by answering the questions below, how useful the module was for you in developing your abilities to use English and working on questions important to you.

Q1. Did you benefit from your work on this module regarding learning about any of the following?

	Yes/No	Please comment on either: • How you benefited; or • Why you feel this module was not useful for you in this area
a. Choosing a potential provider of immigration advice		
b. Researching immigration information through the Internet and other sources		
c. Determine how a married woman can find out if anything can be done to adjust her immigration status if her husband won't help.		
d. Understanding what treatment by a husband makes his wife a "battered spouse"		
e. Understanding the new penalties for living in the U.S. without papers		
f. How to communicate with people who may be hostile to immigrants		

2. Did your work in this module help you in any of the following areas?

	Yes/No	Please comment on either: • How you benefited; or • Why you feel this module was not useful for you in this area
a. Reading and understanding technical information?		
b. Researching how to get information you need about immigration?		
c. Asking questions and getting the information you need to know?		
d. Understanding the information contained in technical documents and making good use of it?		
e. Communicating with people who may not agree with you or who are prejudiced against immigrants?		
f. Anything else? Please tell us		